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Central Administrative Tribunal, Principal Bench

Original Application No. 1519 of 1999

New Delhi, this the 14 day of February, 2000

Hon'ble Mr. Kuldip Singh, Member (J)

Virender Kumar S/o Shri Gopal Dass
C/o R/o B-8/60, Sector-4, Rohini.
Delhi-110 085.

- Applicant

(By Advocate Shri Pratap Rai)

Versus

1. Union of India through
General Manager, Northern Railway,
Baroda House, New Delhi.
2. The Divisional Railway Manager,
Northern Railway, Bikaner Division,
Bikaner. - Respondents

(By Advocate - Shri P.M. Ahlawat)

ORDER

By Hon'ble Mr. Kuldip Singh, Member (J)

In this OA the applicant is claiming that a direction be given to the respondents-Railways to grant him interest on delayed payment of pension, commutation and DCRG.

2. The facts in brief are that the applicant had earlier filed an OA under Section 19 of the Administrative Tribunal's Act, 1985 and the OA was disposed of vide order dated 21.1.1994 wherein it was pleaded by the department that a major penalty charge-sheet has been issued so the amounts are to be withheld. However, in the operative portion of the judgment, the Tribunal had given direction to the respondents-Railways to dispose of the disciplinary proceedings as expeditiously as possible and in case the applicant is exonerated, he should be compensated monetarily by way of interest on DCRG.

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3. Applicant now claims that since no penalty has been awarded to him, so it should be deemed that he has been exonerated and he should be held entitled for interest.

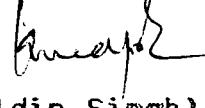
4. On the contrary, the plea of the respondents is that a disciplinary enquiry was initiated against the applicant but the applicant did not appear and the enquiry proceeded ex-parte wherein he was held responsible for certain misconduct and the disciplinary authority had proposed 30% cut in the gratuity of the applicant but since the applicant had voluntarily retired and the case of the applicant was to be referred to the UPSC, so the Chief Operating Manager decided that the case of the applicant should not be referred to UPSC for cut in gratuity and directed for issue of Government Displeasure. Hence, the Government Displeasure was issued to the applicant. So the respondents says that the applicant was not exonerated and the delay if at all any has occurred by the applicant's not joining the disciplinary proceedings and remaining ex-parte during disciplinary proceedings.

5. In these circumstances, I find that there is a valid explanation given by the Railway Department as to how the pension, gratuity and DCRG could not be released by the department and this fact had also came on record in the earlier OA where it was mentioned that the disciplinary proceedings had been initiated against the applicant when he had claimed pension, gratuity and DCRG. The fact that the applicant did not cooperate and the

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enquiry proceeded ex-parte against the applicant and the fact that the applicant had not been fully exonerated and that a Government Displeasure had been issued to the applicant. All these facts has not been denied by the applicant. These facts justify to disallow any interest over the release of such amount.

6. In view of the above, the O.A. has no merits and the same is dismissed. No costs.


(Kuldip Singh)
Member (J)

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